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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,831	03/21/2001	Scott Bass	05793.3043	1923

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EXAMINER

FELTEN, DANIEL S

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/812,831	BASS, SCOTT	
	Examiner	Art Unit	
	Daniel S. Felten	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on March 21, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. “*Preferred payment due date*”, “*repayment period*”, “*number of repayments*”, etc., are non-functional descriptive limitations in Claims 6-12. Claims 6-12 are not patentable because they can not exhibit any functional interrelationship with the way the computing process in the invention is performed [see MPEP 2106 IV B 1(b)]

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-8 and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Haworth et al (US 2002/0123946).

Haworth discloses a methods and systems for providing debt recovery and for offering debt recovery product(s) to customers having delinquent accounts (see Abstract), comprising:

--retrieving delinquent account information corresponding to a customer (see Haworth, paragraphs 0027, 0029 and 0032-0033), *as in claims 1, 15 and 16*

--determining a set of debt recovery offers for the customer based on the delinquent account information (see Haworth paragraph 0027), *as in claims 1, 15 and 16*

--receiving customer selection information from the customer, the customer selection information customizing a debt recovery product corresponding to one of the set of debt recovery offers (see Haworth, paragraph 0027), *as in claims 1, 15 and 16*

--receiving an account number from the customer and reading delinquent account information corresponding to the account from an account database (see Haworth paragraphs 0029 and 0031), *as in claims 2 and 3*

--wherein the set of recovery offers includes at least one of a debt recovery credit card offer, an installment loan offer, and a quick repayment re-payment offer (see Haworth paragraph 0027), *as in claim 4*

--wherein the set of debt recovery offers includes a debt recovery credit card offer, and installment loan offer, and a quick repayment offer (see Haworth paragraph 0027), *as in claim 5*

--wherein the customer selection information comprises a preferred payment due date (see Haworth page 3, paragraph 0032), *as in claim 6*

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--wherein the customer selection information comprises a repayment period (see page 3, paragraph 0032), *as in claim 7*

--wherein the customer selection information comprises a number of payments (see page 3, paragraph 0035), *as in claim 8*

--wherein the delinquent account information includes at least one of amount of delinquent debt, last payment date, last payment amount, type of debt, previous payment history and credit bureau history (see page 3, paragraph 0031), *as in claim 12*

--wherein the delinquent accounts are charged-off accounts (see paragraph 0029), *as in claim 13*

--An apparatus for offering debt recovery products to customers having delinquent accounts, comprising:

--an account database (*storage unit—206* or *server—202*) that stores delinquent account information for a plurality of delinquent accounts (see page 3, paragraph 0031), *as in claim 14*

--an offer decision model (102) that determines a set of debt recovery offers for a customer based on delinquent account information that corresponds to the customer (see pages 2 and 3 paragraphs 0027 and 0035), *as in claim 14*

--a server (202) that receives customer selection information from the customer, the customer selection information customizing a debt recovery product corresponding to one of the set of debt recovery offers (see page 3, paragraph 0031), *as in claim 14*

--a fulfillment engine (102) that creates a debt recovery account for the customized debt recovery product (see paragraph 0027), *as in claim 14*

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF
March 14, 2006

Daniel S Felten
Examiner
Art Unit 3624